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A RADIO DISCUSSION OF

THIRD TERM?

HAROLD L. ICKES · HUGH JOHNSON · WILLIAM SPENCER

[1]2nd BROADCAST IN COOPERATION WITH THE NATIONAL BROADCASTING COMPANY • 110

WITH SUPPLEMENTARY STATEMENTS BY HUGH JOHNSON AND HAROLD ICKES

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NOTE

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THIRD TERM?*

A UNIVERSITY OF CHICAGO ROUND TABLE BROADCAST

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HAROLD L. ICKES, Secretary of the Interior

GENERAL HUGH JOHNSON, Columnist; former Administrator, NRA

WILLIAM H. SPENCER, Dean, School of Business, University of Chicago

* A radio discussion broadcast from the University of Chicago over the Red work of the National Broadcasting Company, Sunday, April 21, 1940, at 0 P.M., Central Standard Time.

The ROUND TABLE, oldest educational program continuously on the air, is adcast entirely without a script. Subjects are chosen because of their social, itical, or economic significance. The program has no "ax to grind." In the ction of speakers, the effort is to provide a balanced discussion by partici- nts who have special competence and knowledge. The opinion of each speaker is own and in no way involves the responsibility of either the University of icago or the National Broadcasting Company.

THIRD TERM?

MR. SPENCER: Well, gentlemen, there is a good deal of discussion of the third term issue at the present time. When we talk about "no third term" what do we mean?

MR. ICKES: To me, it means more than two terms whether or not they are consecutive.

MR. SPENCER: Is that your understanding of the issue, General Johnson?

GENERAL JOHNSON: To my mind, no. I have no objection to a third term if the terms are not consecutive. Also, I would hate to see a rule adopted that would prevent a man who had served, let us say, a day by succession as vice-president and then elected, from being elected the second time. I think that kind of a rule would be absurd.

MR. SPENCER: I would like to probe that general issue a little more deeply. When we say "no third term," do we mean no third term for a particular individual or no third term for anybody?

MR. ICKES: I think the issue today is whether or not there should be a third term for a particular individual; namely, President Roosevelt.

MR. SPENCER: Is that your understanding of that aspect of the issue, General Johnson?

GENERAL JOHNSON: No, it isn't. I think if that were the issue we would be dealing with a dishonest issue when we raised the third term question at all.

MR. SPENCER: Certainly it is true—is it not, General Johnson?—that at the present time we get a division of public opinion. There are some—like Mark Sullivan—who favored a third term for Calvin Coolidge but who are against the third term for Franklin

Roosevelt. There are some—like Senator Norris—who opposed the third term for Calvin Coolidge but are perfectly willing to have Franklin D. Roosevelt have a third term.[1]

MR. ICKES: After all, it gets down—doesn't it?—to a question of whether you need a particular man in a particular situation, or whether the people *think* they do. If they think they do, they ought to be permitted to vote for the man they want.

MR. SPENCER: General Johnson, there is a fundamental question there to which you have already adverted. That is the question of whether there is any third term tradition. If we look at our Constitution it is perfectly apparent that there are no limitations upon the number of times which a president may succeed himself if the people elect him.[2] The Constitution merely says that a president, upon being elected, shall serve his term of office of four years. Now where do we get the idea that there is *not* to be a third term for a presidential candidate who is re-elected by the people?

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[1] *Calvin Coolidge became president on August 2, 1923, after the death of Warren G. Harding, who died suddenly in California. He was elected to the presidency in 1924 and in the summer of 1927 issued his famous "I do not choose to run in 1928" statement. Since there still remained some question about another term for President Coolidge, a resolution was presented to the Senate by Robert M. LaFollette, Jr., and passed in February, 1928, by 56 to 26. The resolution, similar to one passed by the House of Representatives in 1875 and directed against General Grant's third term campaign, held the third term tradition to be "by universal concurrence a part of our system of government" and any departure from it to be "unwise, unpatriotic, and fraught with danger to our free institutions."*

[2] *In the Constitutional Convention there was considerable debate upon this point; some delegates urged a seven year term, without re-election, others sought re-election without any limit whatsoever, a few (like Alexander Hamilton) desired a life term. The final compromise called for a four year term without any mention of re-election.*

GENERAL JOHNSON: If there isn't a tradition I'd like to know what we are talking about, or what the argument is about. As I understand, a tradition is something that people believe in and think generally enough to have it made a rule of the people or the rule of the nation.

MR. ICKES: I don't see how General Johnson can assume that the people believe that there is such a tradition when the people have never had a chance to vote on it.

MR. SPENCER: Certainly in the Constitutional Convention, out of which our Constitution came, this issue was discussed, and I think it is a fair assumption that they decided that the president should be elected for four years, and re-elected if the people wanted him to be re-elected.

MR. ICKES: And Washington in that same Constitutional Convention—when the question to be voted on was whether there should be one term of seven years with no right to succeed—voted "No."

GENERAL JOHNSON: I'm not sure that Washington voted no, or whether it ever came to a vote in which he cast a vote. As a matter of fact, I don't think he did cast a vote. But I will concede that he at that time—or shortly after—said that he saw no reason for such a provision.[3]

MR. ICKES: We both agree—don't we?—that there is no constitutional prohibition against a third term.

GENERAL JOHNSON: There is no question whatsoever about that.

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[3] *The quotation generally cited by those arguing against the binding character of any third term tradition is the following, taken from Washington's letter to Lafayette: "I can see no propriety in precluding ourselves from the services of any man who in some great emergency shall be deemed universally most capable of serving the public." It should be noted, of course, that Washington used the phrases "in some great emergency" and "deemed universally most capable."*

MR. SPENCER: Secretary Ickes, certainly Thomas Jefferson upon his retirement, or at some time prior to his retirement, did create the tradition imputed to General Washington.

MR. ICKES: So far as President Washington is concerned, when he refused to run for a third term he issued a statement. Now that statement indicated that he was leaving office because he was old and tired and wanted to get back to Mount Vernon. Historical research shows that that statement was drafted in large part at the end of his first term, and in his Farewell Address he said nothing about a third term. As far as Jefferson is concerned, he did say that he was against a third term for the president. He also said he was against a third term for a member of Congress or for a member of the bench, and it is significant that Thomas Jefferson arrived at his result after he had waited for thirteen months and after it had been clearly demonstrated that he could not be re-elected for a third term.[4]

MR. SPENCER: He also said that he would himself accept a third term if it were necessary in order to prevent the coming in of a monarchist.

MR. ICKES: And he also selected his next two successors.[5]

GENERAL JOHNSON: In the first place, I don't think he ever said that he would accept a third term himself if it would prevent a monarchist coming in.

MR. SPENCER: What were his exact words? Do you remember, General?

GENERAL JOHNSON: He qualified his objection to a third term at some time during his voluminous correspondence by some such statement, in general, not as to himself. Of course, when we

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[4] *Jefferson wrote, in his reply to a resolution by the Vermont State Legislature: "I should unwillingly be the first person who, disregarding the sound precedent by an illustrious predecessor, should furnish the first example of prolongation beyond the second term of office."*

[5] *James Madison (1809–1817) and James Monroe (1817–1825).*

come to the question of whether or not there was a tradition which could be relied on, I don't think any man can create a tradition. I think that Thomas Jefferson did lay down the rule, to which I thoroughly subscribe, and that is that—while he was in favor of some statutory or constitutional provision—he no longer thought it necessary after the example of four presidents not running for a third term; that the tradition had become so steeped in the minds of the American people that if anybody did he would probably be rejected. He thought that was defense enough against a thing that he regarded as a very great evil.

MR. ICKES: General Johnson, my understanding is that Jefferson wrote a letter to his friend, John Taylor, in January, 1805, in which he said that he would be willing to run for a third term if by so doing he could prevent a monarchist from coming into power.

MR. SPENCER: General Jackson, the great Democrat, also took a very strong stand against a third term; but, of course, he was probably one of our oldest presidents at the time of his retirement, and probably would not have been eligible for re-election even if he would have wanted it.[6]

GENERAL JOHNSON: I'd like to go back and pick up two or three statements that have been made here: one about Washington being old and going back to Mount Vernon for that reason. That may have been one of the reasons, and I don't know all of his reasons. But there certainly was another reason, and that is that during his terms of office—both of them, and especially his second one—there grew up in this country a very great fear of our government being turned into a monarchy, or into a dictatorship, or something like that, and part of his reason must have been—I can't point to any writing, but any study of the atmosphere of that time would show—that it would have been very bad business for him to accept a third term. As to his being old, shortly afterward, when war with

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[6] *Jackson was sixty-nine in 1836, the year in which his successor (Martin Van Buren) was elected.*

France was threatened, he did accept the office of Commander-in-Chief of the Army of the United States.

MR. ICKES: It seems to me you are going pretty far afield when you put thoughts in the mind of General Washington when you admit that you have nothing in writing to substantiate it.

MR. SPENCER: It is true that Thomas Jefferson probably felt very strongly on this issue, because it was his philosophy that the people should have complete control of their government and he very greatly feared the group of people in this country who wanted to see the office of the presidency hereditary.

MR. ICKES: That may be true of Jefferson, but it is inconsistent to say in one breath that he wanted to have the people control and then in the second breath to have him deny the right of the people to elect a man for a third term if they wanted to.[7]

GENERAL JOHNSON: He did not deny the right of the people, but he interpreted what he thought was the tenor of the American opinion—a very deep opinion; namely, the tradition which could be relied on to prevent a third term from then on.

MR. ICKES: Then he went on to perpetuate himself through two succeeding presidents.

GENERAL JOHNSON: I don't regard it as perpetuating himself to advise, and procure even, the election of two other presidents.

MR. ICKES: Take Jackson. Jackson was seventy years old at the end of his second term and he selected his successor.

GENERAL JOHNSON: What's that got to do with it? I don't see that that has any bearing on the point.

MR. ICKES: We are talking about dictatorship.

MR. SPENCER: Isn't it true that Theodore Roosevelt himself sought a third term? But as I understand your position on the mat-

[7] *Besides his stand on the presidency, Jefferson, as indicated, felt one term to be sufficient for congressmen and judges and also urged a revolution every twenty years.*

ter, General Johnson, that does not contravene your position, because he did not seek a third *consecutive* term. As a matter of fact, of course, it should be pointed out that his first term was not an elective term, and also it was not a full term.[8]

GENERAL JOHNSON: Both he and Coolidge were only *elected* once.

MR. ICKES: I think that is a comfortable out—this distinction between a third elective term and a third term after an interval—because if a man is seeking to get control of our institutions and perpetuate himself and his policies in office it would be perfectly easy for him—if this is a valid tradition—to elect a stooge at the end of his second term and then come back in after that interval.

GENERAL JOHNSON: I'd like to see Mr. Roosevelt attempt to elect a stooge in the coming election! I think *he* could be elected but I don't think he could elect any stooge and I doubt very much if any of these presidents could. But that is no *out.* If there is any begging of the question, your argument begs it. There isn't any doubt that you have to look no further than Washington, D.C., to see a president who has accumulated to himself—by patronage and by grants of power—more power than any president ever had in two terms. And if he could do that in two terms, what he wouldn't do in three I'd hate to say.

MR. SPENCER: I am not at all certain that you may not be overemphasizing the significance of the momentum of re-elections. It would seem to me, very generally, that a law of diminishing returns would begin to set in there at some time so that the zenith of his power, by virtue of the fact that he was re-elected, would tend to wane.

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[8] *Theodore Roosevelt became president in September, 1901, after the assassination of President McKinley; he was elected to the same office in 1904, succeeded by William H. Taft in 1908, and beaten when he sought election in 1912 as a Progressive running against President Taft, the Republican candidate, and Woodrow Wilson, Democratic nominee.*

MR. ICKES: And undoubtedly there was a Republican reaction two years ago, in spite of all this tremendous patronage and delegation of power that we hear so much about.[9]

GENERAL JOHNSON: Nevertheless, when you talk about it being a diminishing return I am sure that I was led—when I went out in '36 with all I had to support the re-election of Mr. Roosevelt—to believe that the result of it was going to be a sort of concentration of gains already made. I mentioned to him at one time the danger of the overwhelming election which I foresaw for him resulting in advice to him by various people around him that he had a mandate to go much further than he ever had before.

MR. ICKES: Yet, General Johnson . . . .

GENERAL JOHNSON: Let me finish.

MR. ICKES: You ought not to talk so long. Give me a chance.

GENERAL JOHNSON: Instead of it becoming a law of diminishing returns it became a law of accumulating returns. Now you can have all the time you want.

MR. ICKES: Thank you. But that is not consistent with what the Republicans are now going about the country proclaiming: that they want Roosevelt to be renominated because he would be the easiest man to defeat.[10] That isn't consistent with the theory that he has built himself up to such an extent in power as a result of eight years in office that he cannot be defeated.

GENERAL JOHNSON: I don't underwrite anything that any Republican says; I'm a Democrat. This is my opinion and not the propaganda that may be used by the Republican party at this time. I don't agree with that.

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[9] *In the congressional elections of 1938 the Republicans gained eighty seats in the House of Representatives and six in the Senate.*

[10] *Such statements have been made by such Republican leaders as John D. M. Hamilton, Chairman of the Republican National Committee.*

MR. ICKES: We probably both agree that it is self-serving propaganda.

MR. SPENCER: I should like to ask whether there are any positive reasons why the possibility of a third term should exist. In other words, the Constitution does not prohibit it, as we have already pointed out. We do have what may be regarded as practice over a period of a hundred and fifty years of no one being re-elected to succeed himself for a third term. Now are there any compelling or urgent reasons why that possibility should exist?

GENERAL JOHNSON: I don't know whether you stated the question as you intended. I assume your question to mean, Are there any positive reasons why there should be a tradition against a third term other than precedent?

MR. SPENCER: I'll put it either way. Let's put it specifically this way: It is my understanding that in a democracy the people should be given as wide freedom as possible in the selection of their public officials. The Constitution has not specifically precluded them from selecting a man for as many times as they want. Is there any other reason, other than this alleged tradition, why they should not select this man?

GENERAL JOHNSON: I just tried to state one: the tremendous increase in the power of the executive at the expense of the states and the courts in this second administration.

MR. ICKES: I'd like to discuss that question sometime with General Johnson, or anyone else. As I see it, there is more and more encroachment on the power of the executive. It isn't so much by the courts since the Supreme Court decided to go back to the Constitution itself to decide whether a law is constitutional or unconstitutional, but there is example after example of legislative encroachment upon the executive power. But that is a subject by itself and we cannot allow you to assume it without indicating that at least it is open to debate.

GENERAL JOHNSON: There certainly wasn't any encroachment in 1933 and 1934. There was the reverse of encroachment.

MR. ICKES: There has been encroachment all through the years.

GENERAL JOHNSON: If there has been an encroachment since it incontinently surrendered in the first place, it has been a recapture.

MR. SPENCER: It cannot be denied that Congress can reassert itself whenever it wants to and take back those powers in connection with certain of the administrative arms of the government which have been recently created.

GENERAL JOHNSON: Theoretically they can take back those powers, but if the power of the president becomes so great—through lump sum appropriations and purges and various other methods—that Congress becomes a rubber stamp (as we have seen in the past seven years) it is a dry and futile right that Congress has.

MR. SPENCER: You don't say that the present Congress is a rubber stamp, do you?

GENERAL JOHNSON: This one, no—but I say the one in '33 and '34 was.[11]

MR. ICKES: He says '33 and '34, out of which he and I got so much power.

MR. SPENCER: I see. Then again to pursue that particular inquiry: one of the things in the present situation that seems to give to the president of the United States such great power to build up a political machine is the vast sums of money which he controls. Now Congress can, to a large degree at least, control the expenditure of those funds and take away from him the power which he may have enjoyed in the past in building up political machines.

GENERAL JOHNSON: Theoretically they can, but we have been witness to the fact that frequently they don't, and the longer that thing goes on. . . . .

[11] *That is, the Seventy-third Congress elected in 1932, which passed much of the New Deal program.*

MR. ICKES: General Johnson, that is more fancied than real. After all, I am head of one of the departments of the government and when we go in with our budget to Congress they spell out almost to the cent how much we can spend, what salaries we can pay. We have practically no option at all.

GENERAL JOHNSON: You may find that as your experience.

MR. ICKES: We did have certain emergency appropriations with respect to which the president was given unusual and great powers. Now those are being restricted today so that what was true two or three years ago is no longer true.

MR. SPENCER: That issue the Secretary raised a moment ago, about the encroachment of the Congress upon the executive, is a very interesting one to me and I wish at some time you people could be back here on the University of Chicago ROUND TABLE to discuss that issue. But again coming back to the present discussion, the Congress does have the power to take back those delegated powers; it does have the power, if it wants to, to control the expenditures of the money. In addition to that, it would seem to me—just as an ordinary layman who doesn't have as much experience with political affairs as you two gentlemen have had—that the longer any person stays in office the more dissension or the more disintegration of sentiment is engendered, which of itself tends to defeat any dictatorial aims that a president has.

MR. ICKES: May I say what I think is the real issue, and it is a very simple issue. It isn't so much the question of a third term as it is of a third term for *whom?* We find people who are opposed to a third term for the present incumbent justifying supporting Theodore Roosevelt in 1912, or being for Calvin Coolidge when his second term was up, as was Ex-President and Chief Justice Taft when he said it would be very satisfactory if Coolidge should be elected. But it is an *ad hominem* argument disguised as a discussion of great and fundamental principles. And when we come to great and fundamental principles how about the great and fundamental principle that is supposed to obtain in a democracy; namely, that the people should

ple and should determine how many terms they want and whom they want?

GENERAL JOHNSON: I deny that it is an *ad hominem* argument as far as I am concerned. I sat down here earnestly and sincerely to argue principles and not personalities and I have not taken my view on the ground that it is Franklin D. Roosevelt or anybody else, and I think I have attempted to explain the clear distinction there is between the case of Franklin D. Roosevelt, General Grant, Theodore Roosevelt, and Calvin Coolidge.[12]

MR. SPENCER: That ten-dollar word you used a moment ago, Ickes: *ad hominem*. . . . . I assume that you mean by that that the objections are against Roosevelt personally and not to the principle.

MR. ICKES: Yes, they are hiding behind the principle. I don't refer to General Johnson—I think he is perfectly honest in his point of view—but I am referring to the great newspapers and the Republican politicians who are so willing to select for the Democratic party in this year of grace the candidate of the Democratic party.

MR. SPENCER: And as I understand it from the discussion to the present time, the real danger inherent in permitting a president to succeed himself as long as he wants to succeed himself—and with the consent of the people, of course—is that a president can build up a powerful political organization which may successfully defy attacks by an opposing party.

MR. ICKES: Up to a certain point.

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[12] *General Grant was first elected president in 1868 and re-elected in 1872. When it appeared he would seek a third term in the elections of 1876, the House of Representatives passed an anti-third term resolution in December, 1875) by a vote of 233 to 18, effectively ending the movement for another Grant term. In 1879–1880 the campaign for a third term for Grant was renewed, but he was beaten in the Republican National Convention of 1880 by James A. Garfield, on the thirty-sixth ballot.*

MR. SPENCER: I'd like to raise this question in that connection: Isn't there just as much danger from one political party staying in power for an indefinite period as there is for a single individual to stay in power for an indefinite period?[13]

GENERAL JOHNSON: That may be so, but that isn't the question here. It's quite a different question.

MR. SPENCER: It is a different question, but certainly under our Constitution and under our practice we tolerate it, do we not?

GENERAL JOHNSON: We tolerate a political party staying in power for a considerable time, but my recollection is that every one of them got it in the neck before very long.

MR. ICKES: It took a long time for the Republican party to get it in the neck and in the meantime they had perverted our institutions and practically changed our form of government from a democracy into an oligarchy.

GENERAL JOHNSON: They weren't any longer in power than Andy Jackson's Democratic party was in power.[14]

MR. ICKES: We had a different economy then and a different social system. We were an agrarian country then. After that we became a manufacturing country.

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[13] *Since the beginning of the Civil War Republican presidents have been in office from 1861–1885 (twenty-four years), 1889–1893 (one term—President Benjamin Harrison), 1897–1913 (sixteen years), and 1921–1933 (twelve years), while Democrats have held office from 1885–1889 and 1893–1897 (the two separated terms of Grover Cleveland), 1913–1921 (two terms of Woodrow Wilson), and since 1933 under Franklin D. Roosevelt. If the Democrats succeed in electing a nominee other than President Roosevelt this fall it will be the first time since the Civil War they have been in office more than eight years.*

[14] *Excluding the brief period from March to April, 1841, when William Henry Harrison, a Whig, was president, the Democrats of that period were in power from Jackson's first election in 1828 to Zachary Taylor's in 1848.*

GENERAL JOHNSON: That's a *non sequitur*. I mean, that's a fact but it has nothing to do with the argument.

MR. SPENCER: Isn't it a fact also in this connection—if we are thinking about safeguards against any overly ambitious president—that age of itself constitutes a limitation? In other words, as I look over the ages of the presidents of the United States they have been around fifty to fifty-five years. Now you cannot expect a man to submit himself to the strain of the presidential office much longer than two, certainly not longer than three, terms.

GENERAL JOHNSON: I think a good many of them would have been willing to make the *supreme sacrifice!*

MR. SPENCER: General Grant, of course—who was one of the youngest presidents—did try unsuccessfully to get a third term. He was elected, as I remember it, at the age of forty-six. Most of our presidents have been in the fifties and it does seem, to me at least, that age of itself constitutes a natural and self-operating safeguard against any president who attempts to perpetuate himself in power.[15]

GENERAL JOHNSON: I'd hate to rely on that because I believe that the old principle, "Few die; none resign," fits there just as well as it does to any other public officeholder.

MR. SPENCER: Will you explain that more in detail?

MR. ICKES: This applies to United States Senators—doesn't it, "Senator" Johnson—in violation of the Jeffersonian principle that they are so willing to apply to the presidency?

GENERAL JOHNSON: I'm not Senator Johnson! I believe he could give a better account of himself if he were here.

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[15] *James Polk was 49 at the time of his inauguration, Franklin Pierce was 48, Grant was 46, James A. Garfield 49, Grover Cleveland 47 at his first inauguration), and Theodore Roosevelt 42. All the other presidents were fifty or over.*

MR. SPENCER: It is true that we have never applied this principle of limitation of office to the governors of our states and no great cry has gone up concerning dictatorship there.[16]

GENERAL JOHNSON: Nobody would try to take the positions of congressman, or senator, or governor of a state, with their very limited powers and their very limited effect on our destiny, and compare them with the office of the president of the United States, which probably holds more executive power than any office in the world except Mr. Hitler's and Mr. Stalin's and Mr. Mussolini's—and don't forget that *they* got that way from lesser powers by reason of self-perpetuation.

MR. ICKES: We are wandering more or less all over the map. I wonder if you wouldn't agree with me that the real essential for all of us now is to keep our democratic sources pure and clean. If we are sure that people have access to information, that they act with what intelligence they may have on that information, and have a full right to vote, isn't that the greatest safeguard against anything that we may fear in the way of dictatorship or third term?

GENERAL JOHNSON: I agree with you on that one hundred per cent, as I think you know. However, I don't think that should shut anybody's mouth or keep them from getting up here and jumping up and down and yelling about the danger of a third term, or bolstering their argument with the uninterrupted practice and the undoubted tradition that there is in the United States against it.

MR. ICKES: After all, General Johnson, as Senator Borah said in 1912, isn't it true that the people of the country should be the court of last resort in all matters?

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[16] *Until his death recently, Senator Borah of Idaho was the oldest member (in point of service) of the Senate, having first been elected to that body in 1906. At the present time Senator E. D. Smith of South Carolina is the eldest, having served thirty-one years. In the House of Representatives Congressman A. J. Sabath of Illinois has served seventeen terms, dating consecutively from 1907.*

GENERAL JOHNSON: They are here.

MR. ICKES: He said then: "We are in favor of Colonel Roosevelt's nomination because he can be elected. That ought to be one qualification of a candidate."[17] We aren't if we say we may not vote for a man because it makes him a third termer if elected. Then you are denying people democratic processes.

GENERAL JOHNSON: Of course, I could say that to the people till I was blue in the face and it would not be true. After we get through with all this argument they still retain the power to elect a man for a third term if they want to. But I don't see why that should cause anybody to cease warning them on the basis of this history and this tradition and of these arguments that they ought not to do it.

MR. ICKES: I agree with you on that. You and I simply have fundamental differences of opinion. I don't believe in any such restriction. I don't believe the tradition is a valid one. I accord you the full right to have a different point of view and to expound it.

GENERAL JOHNSON: I wouldn't question for a moment that you do, and I think sometimes when we get into these arguments, in the press or across the table, that our differences of opinion are a whole lot less than a lot of people who make a whole lot more noise about it.

MR. SPENCER: Gentlemen, we have had a fine time here.

To summarize, it seems to me that we are agreed that the Constitution does not—expressly or by implication—prohibit a president succeeding himself so long as the people want it. Of course, it must be admitted that in a democratic country there is danger in

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[17] *In speaking of "nomination" Senator Borah was referring, of course, to the Republican National Convention, at which former President Roosevelt sought the nomination. Defeated there by President Taft, he ran as a Progressive and finished second to Woodrow Wilson but ahead of President Taft.*

the president gaining so much power that it will be difficult for him to be ousted from office. On the other hand, it does seem that there are certain safeguards on which we can rely to prevent any president with an overweaning ambition to perpetuate himself in power from that sort of thing, and that in the long run what we have to rely upon is the intelligence of the people and the independence of the Congress.

SEE ANNOUNCEMENT OF CHANGE OF TIME
ON PAGE 31

SUGGESTED READINGS

ICKES, HAROLD L., "A Third Term for Roosevelt," *Look*, June 20, 1939. *At the time called "the opening blast for the third term," this article by Secretary Ickes is a short general argument for a continuation of the Roosevelt regime.*

JOHNSON, HUGH S., "Twice Is Enough," *Look*, July 18, 1939. *Subtitle "An Answer to Mr. Ickes," General Johnson's article presents the general case against any man staying in the White House more than eight years.*

LYONS, EUGENE, "Beware the Third Termites," *American Mercury*, August, 1939. *The editor of the "Mercury" strongly opposes the third term idea.*

"Should Roosevelt Run for a Third Term?" *Current History*, September, 1939. *A symposium containing the views of 23 leading Americans on the third term question—authors, religious leaders, politicians, senators, editors, cabinet members, and others.*

WILLIAMS, G. C., and LATHAM, F. B., "A Third Term for Roosevelt?" *Scholastic*, January 8, 1940. *A summary of pro and con arguments compiled especially for high school students.*

When it appeared possible that President Coolidge might seek re-election in the 1928 campaign, the following articles appeared. They are still of considerable interest today:

MUNRO, W. B., and LIPPMANN, WALTER, "Shall We Break the Third Term Tradition?" *Forum*, August, 1927, *followed by discussion in the September, 1927, issue.*

"The Third Term Controversy," *Congressional Digest*, April, 1928.

OBJECTIVE QUESTIONS FOR EXAMINATION

The answers to the following questions may be found in the text of the broadcast, and page references are provided to assist in locating the answers.

*

1. Give the different definitions of "third term" used by General Johnson and Secretary Ickes? Page 2.
2. Commentator Mark Sullivan and Senator George Norris are mentioned to illustrate what particular shift in pro- and anti-third term sentiment since 1926–27? Pages 2–3.
3. What are the provisions of the United States Constitution regarding the term of a president? Page 3.
4. Thomas Jefferson wrote in favor of what length of term for president? Page 5.
5. Though neither Jefferson nor Jackson served more than two terms as president, how did they secure the continuance of their policies after leaving the White House? Page 5.
6. Secretary Ickes contends that executive power, far from expanding, is being actively encroached upon by what part of our government? Pages 10–11.
7. The power of the president in money matters has largely come to him through congressional appropriations known under what name? Page 11.
8. The Congress of what years is cited by General Johnson as an evidence of undue presidential influence over the legislative end of government? Page 11.
9. List four of the presidents around whose heads a third term controversy has raged. Page 13.
10. It is suggested that the stress and strain of the presidency may be a deterrent as far as a third term is concerned, since the average age of presidents runs around what figure? Page 15.

QUESTIONS FOR ANALYSIS AND DISCUSSION

The following questions of wider scope, intended for discussion, are suggested by the broadcast, and answers may be found in the literature on the subject listed in the section "Suggested Readings," found on page 19.

*

1. "The maintenance of the third term tradition is vital if we are to escape entanglement in world currents which have swept democracies to destruction and in their place enthroned dictatorships." Discuss these two questions arising from this quotation:
   a) Is there a third term tradition?
   b) Is its maintenance vital to America?

2. Do you agree that "the third term tradition is just a political stick to shake at political opponents you don't like"? Discuss the thesis that the problem of 1940 is not essentially one of a third term but rather one of a third term for a specific individual—President Roosevelt. Do you think this might also have been the case in 1927 (with President Coolidge), in 1911–1912 (with former President Theodore Roosevelt), and in previous years?

3. Outline and discuss the attitudes of past presidents and political leaders toward the third term question.

4. What is the position of Congress in this third term argument? Do you think the powers of that body are sufficient to prevent any dictatorial ambitions of a president?

5. At what point does popular re-election become synonomous with dictatorial self-perpetuation in office? Would this long tenure of office be different for a president than for congressmen, judges, mayors, aldermen, city surveyors, dog catchers? Why?

6. If you are opposed to any third term, do you feel there are special conditions—national or international—which might change your mind before November, 1940?

7. Do you think the problem of a single *political party* remaining in office more than two terms is as important as that of a single *man* remaining in office more than two terms? Discuss.

8. How is the question of a *political party* dominating the administration for more than two terms related to the question of a third term for an *individual*, if at all?

SHOULD THE NEW DEAL BE CONTINUED?

The following excerpts are from a debate on this topic between General Johnson and Secretary Ickes at the Chicago Civic Theatre, April 22. The debate was sponsored by the Citizen's School Committee.

MR. ICKES

Verbal assaults on the New Deal by the General Johnsons and the key-hole-peeping Professor Moleys, no matter how brilliant or piquant they are, may serve momentarily to obscure, but they cannot permanently cloud the solid achievements of the New Deal. Scintillating words may furnish an entertaining diversion, but sooner or later, the people come back to solid facts.

The facts are, and will continue to be, that the New Deal has not only saved from disaster a tottering economic system—dangerously undermined by twelve years of reckless Republican misrule—it has also brought security and hope to the mass of the people. Notwithstanding the unscrupulous accusations made in the reactionary press it is the truth that the New Deal has aided existing business, has encouraged new enterprises, and has saved millions from starvation. . . . .

Before I answer the question, "Shall the New Deal Be Continued?" I want to enumerate some of the things that it has done to deserve your support and that of every American whose eyes are not blinded by flickering dollar signs. . . . .

In the first place, the Roosevelt Administration took over a broken-down economic system that was practically in articulo mortis. The surgeon who was called in quickly injected new blood into the veins of the patient. This blood was in the form of money, which had to be borrowed. The rich as well as those of even moderate means, in panic, had hidden their wealth. Few then questioned the wisdom of the Government in borrowing the money that the owners would not lend to anyone else, or even venture in their own enterprises. Now there are many reactionaries, Republican as well as democratic, who, while admitting that the patient recovered, insisted that a different remedy should have been applied. But the people of the United States are satisfied with the result. They know that the increase in the national debt came about because our economic system was on the verge of collapse and that it was imperative to save it.

Secondly, let me remind you that this debt was not money wasted. . . . Most of the money that was borrowed was invested in permanent assets of value, not only to the nation, but to the states and local communities. Billions of dollars were invested in such useful public works as highways, sewers, schools, harbors, TVA, airports, parks and playgrounds, housing, rural electrification, reclamation and power dams, flood control and harbor development, docks, piers and soil erosion projects. These are not debts but assets of value.

* * *

Finally, the national debt looms big simply because we forget that when the Federal Government began to borrow heavily in order to build great public works, the State and local governments stopped doing so to the same extent as formerly. . . . .

The other cardinal sin with which the New Deal is charged is its vociferously-alleged hostility to business. . . . . This hostility-to-business charge is a base and cowardly misrepresentation that is intended to create fear in the minds of the people and thus prepare them to accept some political adolescent as their leader at a time when we need a mature and experienced man at the helm. It is belied by every statistical chart and by every industrial report.

The truth is that this Administration has actually done more for American business than any of its predecessors. Since 1933 the Government has given a powerful tonic to business by lending vast sums of money directly, by making our banks safe, by supporting railroads and insurance companies that were suffering from financial ague under Hoover, and by

a vast program of public works—the greatest undertaking of its kind in recorded history. These activities led to purchases of billions of dollars' worth of materials and resulted in almost five billion man-hours of work during the past seven years.

As a matter of fact, business has been one of the chief concerns of the New Deal; the other being the underprivileged whom our economic royalists regard as just so much factory fodder.

To come down to cases, how has business fared under the New Deal? I realize that statistics are dull, but you will find them enlightening. They will show that those who make the heavens resound with Jeremiads against the New Deal are the very persons who have made increased profits under the Roosevelt Administration.

Let us take some of the loudest of the outcriers. . . . . Ernest T. Weir, President of the National Steel Corporation, and, as a matter of course, Chairman of the Republican Finance Committee. To listen to the wails of Mr. Weir you would think that the Roosevelt Administration has ruined rich men like himself; he spends no time bothering about the poor. But, actually the New Deal has brought to Weir and his company greater prosperity than ever before.

In 1932 (under the Great Engineer) the net income of National Steel was $1,662,920. Then came Franklin D. Roosevelt, denounced as the Big Bad Wolf of Business. And what happened to Mr. Weir's steel business? Its profits began to soar. In 1933 National Steel earned more than $2,800,000, as compared with $1,622,920 the preceding year; in 1934, profits exceeded $6,000,000; in 1935 they were more than double that amount; in 1937 they fell just short of $18,000,000. This is the story of how the New Deal ruined Mr. Weir's steel business; this is the basis for his crocodile tears.

Or, consider the more highly intelligent Wendell Wilkie, President of Commonwealth and Southern, a Morgan utility holding company. In Washington last Friday night he said that prosperity was going backward. Yet, in 1932, the net earnings of his company, after taxes, were $8,496,000, as compared with $13,413,000 in 1939. The papers today report that Union Carbide and Carbon has just had the best quarter in its history—$10,468,706, as compared with the $5,293,885 earned in the corresponding period of 1939.

Do not assume, however, that steel and utilities and chemicals are exceptions. A comparison of the earnings of any of the big businesses between 1929 and 1937 shows that profits were much greater under the New

Deal than under the preceding administration. Standard Oil of New Jersey earned $148,000,000 in 1937, as compared with $121,000,000 in 1929; du Pont de Nemours counted $88,000,000 in 1937, in comparison with $58,000,000 in 1929; Chrysler made $51,000,000 in 1937 and $22,000,000 in 1929; International Nickel's income was $50,000,000 in 1937 and much less than half of that in 1929. I could go on citing comparable figures for such representatives of Big Business as Sears-Roebuck, Aluminum Company, Coca Cola, and Procter & Gamble. All of them have become richer since 1932, but denunciations of the New Deal by most of them have increased as their profits mounted.

Recently a columnist, Jay Franklin, took the trouble to scan the financial pages of the *New York Times* for three consecutive days. He wanted to find out to what an extent lugubrious business was suffering under the New Deal. This is what he found: Standard of Indiana had increased its profits 20% over the previous year. Bond Stores' profits had gone up by 60%. Mountain Copper Co. showed only 665% more. The Dry Goods group went up 156%. And Dow Chemical—122%. Even if the New Deal were the frying pan that certain big business men pretend that it is, they might well hesitate before jumping into the fire.

* * *

I agree that this country's future lies before it—magnificently so, provided that the old gang of reactionaries and drugged—yes, drugged—individualists are kept out of office. The quickest way to travel backwards, to the time when the country's future in reality did lie behind it, would be to elect another Great Engineer who believes in ragged individualism; or a glib little Prosecuting Attorney who will sing you a song for his supper; or an Ohio Governor who would rather starve thousands of people than pay to the City of Cleveland the money that the State owes it. The alternative to the New Deal is as fine a crew of big business buccaneers . . . . as ever plunged a country into economic chaos or indifferently condemned millions to starvation.

Nor is business the only field that the New Deal has carefully husbanded. The Roosevelt Administration, for the first time in our history, has also recognized the obligation of the Government to its citizens in such fields as decent housing, old age pensions, proper working conditions, health, youth, the protection of bank deposits and of the investor, and many others.

In brief, the New Deal has saved our economic system, has encouraged business, has stimulated new enterprises, has aided farmers, has added to the stature of labor, has helped home owners, has protected savers and investors, has opened opportunities to youth, and has protected us in our civil rights. Every group in our country has benefited from the New Deal's program. The unemployed have been taken care of in the present while foundations for social security have been laid for the future. Yet much remains to be done. We have only just begun, with feet that faltered for too long, to tread the road of real social progress. If we are wise and enlightened and persistent, we will yet achieve an era of general economic and social well-being. With our unequaled natural resources and our splendid human material, our scientific skills, and our democratic institutions, we should have no difficulty in solving all of our outstanding social and economic problems—if, as I say, we are wise and enlightened.

But we will not solve them, at least in the predictable future, if we follow inept and inexperienced leadership or harken to false shibboleths.

So to the question, "Shall the New Deal Be Continued?" I can only reply that America cannot afford not to go forward with it. It may not be perfect; in fact I do not claim perfection for it, but it is the best that we have ever had and far better than the Cassandras of the columns are willing to admit. Think of the appalling consequences of scrapping the New Deal and reverting to another Hoover era! One shudders to think of the Hoovervilles of 1932, of newspaper blankets, of blue-lipped apple-sellers, of desperate hunger marchers, of broken fortunes, of bonus marchers charged by cavalry, of mass starvation and universal despair. If you think that there is no risk of a return to such conditions involved in a change now, all that I ask of you is that you read some of the Republican candidates' campaign speeches. Or recall the recent "relief" activity of Governor Bricker of Ohio.

They tell you, these political slickers, trying to sell you a gold brick, that they believe in the "principles" of the New Deal, but that they can operate it better. Just so, there are probably millions of people who believe in the "principles" of Ford mass-production who think that they can run the Ford enterprise better than Henry himself.

I have no faith in him who chastises the New Deal "because he loves it." There is reason to fear that, if we should turn its administration over to such a person, his doting care would take the form of sabotage from within that would soon destroy its vitality and stunt its development.

would prefer in the White House an avowed enemy of the New Deal rather than a pretended friend.

I do not believe that the people generally have any inclination to give up the New Deal. If this is so, they must exercise great care that the man in the White House for the four years, beginning January 20 next, is not a wolf in sheep's clothing but one who is convinced that the New Deal is worth fighting for. As a matter of course, it would be far better that the man whose vision conceived it and whose brilliant leadership has brought it to its present stage of development, should continue in command.

This is a question for the people themselves to decide, although the controlled press and the economic royalists are willing to decide it for them. If we really believe in democratic principles, we must cheerfully agree that the people alone have the right to say who shall govern for them. As I see it, there is no question whom the people will choose if they are given the chance.

●

GENERAL JOHNSON

Unconsciously, Mr. Ickes admitted a transfer of your right of self-government when he said that federal debt has risen only to the extent that local debt has declined or not risen, and that the rise in federal debt is as accounted for by the reduction in the local debt or lack of rising in the federal debt. Now that isn't my understanding. No figures whatever will support that. But suppose that that were literally true, what would that mean? It would mean that you have surrendered your revenue and your right to use it to a political OGPU that will keep you in bondage to Washington as long as this un-American, and possibly un-constitutional, system continues to exist.

Mr. Ickes says that the federal debt is an Einstein puzzle which he admits that even he—and he thinks even I—can't understand. Well, if it is, who made it that way?

I will quote some words of President Roosevelt in 1932 on the subject of obscuring federal bookkeeping:

> "But it takes less than an Einstein, or even you or me, to understand that when outgo exceeds income by an average of four billion dollars a year for seven years, whether it is a nation, a state or a peanut stand somebody is headed for bankruptcy. . . . ."

Mr. Ickes understands that in a personal relation; at least, he is still solvent.

Mr. Ickes also painted a lovely picture of business recovery and this administration's solicitude for business. It has been about the same solicitude that a fox has for a hen.

Now 1932 was the black year in all our economic history. It is like taking the pulse of a man about two hours after he has had a leg cut off and then saying: "So you ain't dead yet?"

The cold, hard fact is that, whereas in our normal progress, and on a pre-depression basis—and our normal progress was about four per cent increase in income through the years—we should now be averaging a national income of a hundred billion a year instead of between sixty or seventy billion a year, or ten to twenty billion under the pre-depression two or three years and with ten million unemployed still.

It is a deceptive joke to assert that this administration has done anything for business. If it would just take its foot off the neck of business we would not have anything to worry about.

Mr. Ickes apparently does not read my column about the development of new businesses in this country because nobody has pointed them out . . . . more frequently than I. But how can the Fourth New Deal* take credit for any of them? I could take an hour here telling you the various barriers to that kind of pre-depression development that had been set up in the last seven years.

Finally, when they talk about the great humanitarian advances of a ceiling over hours and a floor under wages and the abolition of child labor and the institution of collective bargaining in this country, and some attempt to introduce decency in competition, I can't take my hat off to any of the so-called liberals. I think my old Blue Eagle—sad as its flight was—pioneered every one of those flights, and if anybody wants to call himself a liberal on the basis of preference I'm the guy and not Mr. Ickes.

I understood that the debate was, "Should New Deal Policies Continue?" not "The New Deal." That term is too indefinite for me. But on the subject, as I understood it, "Should New Deal Policies Continue?" I ask, what do you mean—policies? I can't answer. I don't know what the policies are. I don't know what New Deal we are talking about. There have been four of them, you know, and the policies of no two were alike.

About the only New Deal policies now that I am sure about are two. Harry Hopkins has denied having announced one at a race track (al-

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* *General Johnson elsewhere refers to the "Fourth New Deal" as a New Deal "with no policy at all."* *See page 30.*

though I could bring two guys who would say on the Bible that they heard him): "to tax and tax and spend and spend and elect and elect."

Now that is clearly a New Deal policy. Whether Mr. Hopkins said it or not, the facts say it so hard that everybody in this country understands it. It has been a policy ever since the end of the first New Deal. The other New Deal policy is part of the same. It is to perpetuate Mr. Roosevelt as President. Perhaps I should say that is a "New Dealish" policy rather than a New Deal policy. New Dealers have got to keep Mr. Roosevelt in Washington if they hope to save themselves.

This is a Democratic administration. Okay! But it is a New Dealer's government. They are not the same thing at all. Most New Dealers—like my friend Mr. Ickes here—are not Democrats any more than the Old Man of the Sea was Sinbad the Sailor. The Old Man just perched on Sinbad's shoulders and got a grip on his jugular and rode him to exhaustion. That was pretty rough on Sinbad and fine for that particular "evil old man" while it lasted, but you bet there was no love lost and the first time Sinbad got a chance he ditched that old man so far that under modern conditions it would cost seven dollars to send him a postal card.

Now the New Dealers have a Roosevelt clutch on the Democratic party's larynx. Though they are only a little group riding that Democratic donkey, they can stay there as long as Franklin is there and not one minute longer. If they lose Mr. Roosevelt they lose all. That is true no matter which party wins the election, if Mr. Roosevelt does not, because the only people who would kick that crowd farther than the Republicans are the Democrats.

The third term policy is strictly a New Dealer policy and not a Democratic policy, or even in any *true* sense a New Deal policy. If it is any part of the question whether that policy should continue in which a small minority group runs a great political party, and through it in turn a great country, then I say it should not continue. It is a complete perversion of the underlying principles of our system, and especially of the Anglo-Saxon two-party system which is the only safeguard of majority rule, which in turn is the only safeguard of democracy. I am *agin* it as public lunacy Number One.

What you see in Washington is minority rule by a radical bloc controlling one of our two great political parties by the extraordinary powers it has grabbed and by the political tax that it takes from the pockets of all the people and distributes to perpetuate itself.

This is a modern fashion known not only in America. Not two per cent

of the population in Russia belong to the Communist party, but nevertheless it runs the most populous country on earth with an iron hand. It is so in Germany. The Nazi party is in no sense the German electorate. It is a small interior group of unprecedented power that runs the German electorate. It makes no difference in such a system that elections are overwhelming. The last one in Germany endorsed Hitler by ninety-nine per cent, but that wasn't the Nazi party; it was a regimented people under a dictator.

We have one to no such extremes and I am not even merely hinting here that we ever will go there, but the method and the purpose are the same. In Germany, the slogan is: "You can't beat a firing squad!" Here, the slogan is: "You can't beat four billion dollars!" Up to date it is true.

I hope that that particular New Deal policy will not continue because our country is geared to a two-party system and to majority rule. It is the only safeguard of democracy. Hitler rose because there were twenty-six parties represented in the Reichstag, and the Parliamentary farce in France was due to a multiplicity of party blocs. Our strength—as is the strength of England—has been the two-party system. Let's not let this New Deal minority bloc party continue if we want to maintain our Constitution and our traditional system of government.

I am speaking very seriously in saying that I don't know enough about what New Deal policies are to know whether they should be continued. The only well defined policy after the 1932 election was that there would be no policy at all; that the President is a quarterback, and that the administration's actions would be guided not by policy but by conditions; in other words, expediency. Of course, it is assumed that there is only one guide for us in government: not Congress, not the courts, but the momentary fancy of a most adorable and at the same time a most unpredictable man.

That football analogy was swell because it was exactly the strategy of the old Michigan football team: a pass, a punt and a prayer. That's the kind of government we have had for seven years: clever, bold, unprecedented; but it's a hell of a policy! If this debate is about continuing that, I'm *agin* that, too! It doesn't mean, Shall New Deal policies continue? It just means, Shall New Deal *absence* of policy continue?

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NEIL H. JACOBY, Assistant Professor of Finance, University of Chicago

T. O. YNTEMA, Professor of Statistics, University of Chicago

MALCOLM SHARP, Associate Professor of Law, University of Chicago

SUGGESTED READINGS

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